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**From:** McGill, Thomas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=658C6D5FD504462594AECDB5ECA57661-MCGILL, THOMAS]  
**Sent:** 1/21/2021 2:08:36 PM  
**To:** Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]; Creswell, Michael [Creswell.Michael@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Pugh, Katherine [Pugh.Katherine@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]  
**Subject:** RE: deliberative RE: question from Jeanine Bennett

Thanks everyone. I just sent Jeanine the short response.

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**From:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>  
**Sent:** Thursday, January 21, 2021 8:24 AM  
**To:** Armor, Suzanne <Armor.Suzanne@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Subject:** RE: deliberative RE: question from Jeanine Bennett

Ok – then go with the short response - jmg

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**From:** Armor, Suzanne <Armor.Suzanne@epa.gov>  
**Sent:** Thursday, January 21, 2021 8:21 AM  
**To:** Creswell, Michael <Creswell.Michael@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Subject:** RE: deliberative RE: question from Jeanine Bennett

Agree with Michael; either response is fine by me.

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**From:** Creswell, Michael <Creswell.Michael@epa.gov>  
**Sent:** Thursday, January 21, 2021 8:15 AM  
**To:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Subject:** RE: deliberative RE: question from Jeanine Bennett

I am fine with either the shorter version suggested by Tom or Jeaneanne's longer version. I have added the missing text from the PA to Jeaneanne's version below.

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**From:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>  
**Sent:** Wednesday, January 20, 2021 5:29 PM  
**To:** McGill, Thomas <McGill.Thomas@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Subject:** deliberative RE: question from Jeanine Bennett

Deliberative:

My suggestions:

# Ex. 5 Deliberative Process (DP)

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**From:** McGill, Thomas <McGill.Thomas@epa.gov>  
**Sent:** Wednesday, January 20, 2021 5:18 PM  
**To:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Subject:** RE: question from Jeanine Bennett  
**Importance:** High

I just spoke with Jeaneanne about the draft response to Jeanine Bennett, and am taking another crack at the response based on her feedback (see below).

**Ex. 5 AC/DP**

**Ex. 5 AC/DP** and I'm attaching the respective letters we issued to the Tribe on 12/16/20 and 12/17/20 for your reference. Please let me know if you have any comments or suggested revisions.  
Thanks! Tom

\*\*\*\*\* draft response \*\*\*\*\*

Jeanine – The Government-to-Government consultation on Section 106 of the National Historic Preservation Act was completed pursuant to the letter EPA issued to the Miccosukee Tribe of Indians of Florida on 12/16/2020. EPA completed the requirements of Section 106 with respect to the State of Florida's request to assume a Section 404 program upon the execution of the Section 106 Programmatic Agreement on 12/16/20. The purpose of the letter issued on 01/19/2021 was to provide a summary of the discussions we had pursuant to Section VIII.b. of the PA and how EPA considered the feedback we received. If you have any further questions on this matter please let us know. Tom

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**From:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>  
**Sent:** Wednesday, January 20, 2021 11:15 AM  
**To:** McGill, Thomas <McGill.Thomas@epa.gov>  
**Cc:** Ghosh, Mita <Ghosh.Mita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Subject:** Re: question from Jeanine Bennett

Hold on this I think we need to refine our answer.

Sent from my iPhone

On Jan 20, 2021, at 11:06 AM, McGill, Thomas <McGill.Thomas@epa.gov> wrote:

Please see Jeanine Bennett's question in her email below. I can share a response along the lines of the following but I would appreciate any comments or suggested revisions.

\*\*\*\*\* draft response \*\*\*\*\*

## Ex. 5 Deliberative Process (DP)

**From:** Jeanine Bennett <[JeanineB@miccosukeetribe.com](mailto:JeanineB@miccosukeetribe.com)>  
**Sent:** Wednesday, January 20, 2021 9:07 AM  
**To:** McGill, Thomas <[McGill.Thomas@epa.gov](mailto:McGill.Thomas@epa.gov)>  
**Subject:** RE: Discussion and Feedback Received on the Executed Section 106 Programmatic Agreement Regarding Florida's Assumption of a Section 404 Program

Tom,

Why is this letter being sent? Is this EPA's way of closing government to government consultation on Section 106?

Jeanine



*Jeanine Bennett, Esq.*

**Miccosukee Tribe of Indians of Florida**

General Counsel, In-House

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[jeanineb@miccosukeetribe.com](mailto:jeanineb@miccosukeetribe.com)

**O:** 305.223.8380 **Ext:** 5211 **F:** 305.894.5212

**From:** McGill, Thomas <[McGill.Thomas@epa.gov](mailto:McGill.Thomas@epa.gov)>  
**Sent:** Tuesday, January 19, 2021 5:47 PM  
**To:** Hope Lovemore <[HopeL@miccosukeetribe.com](mailto:HopeL@miccosukeetribe.com)>; Beverly Tiger <[BeverlyT@miccosukeetribe.com](mailto:BeverlyT@miccosukeetribe.com)>; Kevin Donaldson <[KevinD@miccosukeetribe.com](mailto:KevinD@miccosukeetribe.com)>; Jeanine Bennett <[JeanineB@miccosukeetribe.com](mailto:JeanineB@miccosukeetribe.com)>; Amy Castaneda <[AmyC@miccosukeetribe.com](mailto:AmyC@miccosukeetribe.com)>; Gene Duncan <[GeneD@miccosukeetribe.com](mailto:GeneD@miccosukeetribe.com)>; Lyanne Mendez <[LyanneM@miccosukeetribe.com](mailto:LyanneM@miccosukeetribe.com)>; Craig van der Heiden <[CraigV@miccosukeetribe.com](mailto:CraigV@miccosukeetribe.com)>  
**Cc:** Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Creswell, Michael <[Creswell.Michael@epa.gov](mailto:Creswell.Michael@epa.gov)>; Armor, Suzanne <[Armor.Suzanne@epa.gov](mailto:Armor.Suzanne@epa.gov)>; Pugh, Katherine <[Pugh.Katherine@epa.gov](mailto:Pugh.Katherine@epa.gov)>; Zimmerman, Eve <[Zimmerman.Eve@epa.gov](mailto:Zimmerman.Eve@epa.gov)>

**Subject:** Discussion and Feedback Received on the Executed Section 106 Programmatic Agreement Regarding Florida's Assumption of a Section 404 Program

Good afternoon,

Please see the attached signed letter from Jeaneanne M. Gettle, Director of the U.S. EPA Region 4 Water Division, regarding the discussions and feedback received on the executed Section 106 Programmatic

Agreement for Florida's Assumption of a Section 404 Program. If you have any questions please let us know.

Tom

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Thomas McGill, Chief  
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U.S. EPA Region 4, Water Division  
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